

9
CTJ/RMT
ORIGINAL

Case 4:09-cv-00634-Y Document 1 Filed 10/26/09 Page 1 of 15 PageID 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

OCT 26 2009

CLERK, U.S. DISTRICT COURT
By Deputy

MALONE, MICHAEL L. 0301236

Plaintiff's name and ID Number

T.C.C.C. 590/34
100 N. LAMAR ST.
FORT WORTH, TX. 76102

Place of Confinement

4 - 09 CV - 634 - Y

CASE NO.

(Clerk will assign the number)

v.

SEE ATTACHMENT A.

Defendant's name and address

Defendant's name and address

Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: OCTOBER 2001, APRIL 2002 (SEE ATTACHMENT B.)
2. Parties to previous lawsuit:
Plaintiff(s) MICHAEL L. MALONE 82609F
Defendant(s) CAPT. OWENS, DIRECTOR T.D.C.J. INSTITUTIONAL DIVISION
3. Court: (If federal, name the district; if state, name the county.) SOUTHERN DIST., TEXAS - HOUSTON DIV.
4. Docket Number: DON'T KNOW
5. Name of judge to whom case was assigned: ACN'T KNOW
6. Disposition: (Was the case dismissed, appealed, still pending?) DISMISSED
7. Approximate date of disposition: MAY 2004

II. PLACE OF PRESENT CONFINEMENT: TARRANT COUNTY JAIL

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?

YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: MICHAEL L. MALONE 0301236
100 N. LAMAR ST.
FT. WORTH, TX. 76102

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: _____

(SEE ATTACHMENT A.)

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #2: _____

(SEE ATTACHMENT A.)

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

(SEE ATTACHMENT A.)

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

(SEE ATTACHMENT A.)

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

(SEE ATTACHMENT A.)

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

(SEE ATTACHMENT C)

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

DEMAND FOR JURY TRIAL, AND (SEE ATTACHMENT D.)

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

MIKE MALONE

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

715418, 826096, ALL I CAN REMEMBER.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed?

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case Number: _____
3. Approximate date warnings were imposed: _____

Executed on: 9/28/2009

DATE

Michael L. Malone

MICHAEL L. MALONE

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this TWENTY-EIGHT day of SEPTEMBER, 2009.
 (Day) (month) (year)

Michael L. Malone

MICHAEL L. MALONE

(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

ATTACHMENT A.

- 1). FORT WORTH, TEXAS POLICE DEPARTMENT (F.W.P.D.),
JEFF HALSTEAD, CHIEF OF POLICE
350 W. BELKNAP ST.
FT. WORTH, TX. 76102
- 2). THE CITY OF FORT WORTH, TEXAS
1000 THROCKMORTON ST.
FT. WORTH, TX. 76102
- 3). F.W.P.D. OFFICER A. TIOWELL ("K-9" OFFICER).
350 W. BELKNAP ST.
FT. WORTH, TX. 76102
- 4). F.W.P.D. OFFICER STRONG, WEST FIELD OPERATIONS
350 W. BELKNAP ST.
FT. WORTH, TX. 76102
- 5). F.W.P.D. OFFICER J. DAVIS, WEST FIELD OPERATIONS
350 W. BELKNAP ST.
FT. WORTH, TX. 76102
- 6). F.W.P.D. OFFICER(S) JOHN DOE(S), UNKNOWN OFFICERS WHO WERE
PRESENT AT CRIME SCENE.
350 W. BELKNAP ST.
FT. WORTH, TX. 76102
- 7). F.W.P.D. OFFICER JANE DOE(S), UNKNOWN OFFICERS WHO WERE
PRESENT AT CRIME SCENE.
350 W. BELKNAP ST.
FT. WORTH, TX. 76102
- 8). F.W.P.D. SUPERVISOR(S), OF OFFICERS PRESENT AT CRIME SCENE.
350 W. BELKNAP ST.
FT. WORTH, TX. 76102
- 9). INTERNAL AFFAIRS DIVISION, OFFICERS/EMPLOYEES
350 W. BELKNAP ST.
FT. WORTH, TX. 76102

* UNKNOWN OFFICERS WILL BE NAMED ON AMENDED COMPLAINT UPON
DISCOVERY AND/OR PRODUCTION OF DOCUMENTS.

I. PREVIOUS LAWSUITS

B.

1. APRIL, 2002.
2. MICHAEL L. MALONE 826096
3. TARRANT COUNTY
4. DONT KNOW
5. DONT KNOW DISTRICT JUDGE, LEIGHANNE DAUGHTRY NOT ON APPEAL.
6. DISMISSED, APPEAL DISMISSED.
7. MAY, 2004.

V
STATEMENT OF CLAIM

1. Now comes MICHAEL L. MALONE, Plaintiff, Pro Se, and Layman of Law; claiming 4th, 5th, 14th and/or 8th Amendment violations of his Constitution-
al Rights pursuant to Title 42 Section 1983 U.S.C.
2. On or about the 23rd day of July, 2009 investigation well shows: THAT
+ APPROXIMATELY 9:30 p.m.; ON A DEAD END STREET; ONE-HALF A BLOCK OFF OF AITA
MERE DRIVE IN Fort Worth, Texas; OFFICERS OF THE Ft. Worth Police Depart-
ment, namely Officers A. TIDWELL (K-9 OFFICER), STRAWN, J. DAVIS, AND OTHER
UNNAMED OFFICERS; ON GROUND AND AIR (HELICOPTER); AS WELL AS INTERNAL
AFFAIRS DIVISION OFFICERS/EMPLOYEES WHO HAD SUBSEQUENT KNOWLEDGE OF
THESE VIOLATIONS, ACTING UNDER THE COLOR OF LAW, AND AS AGENTS OF POLICE CHIEF
JEFF HALSTEAD AND THE CITY OF Fort Worth, DID IN FACT VIOLATE PLAINTIFF'S
RIGHT TO BE SECURE IN HIS PERSON, TO BE FREE FROM THE EXCESSIVE USE OF
FORCE, TO EQUAL PROTECTION OF THE LAWS, AND TO DUE PROCESS OF LAW UNDER THE
4TH, 5TH, 14TH AND/OR 8TH AMENDMENTS TO THE CONSTITUTION. FURTHERMORE,
THE DEFENDANT'S ACTIONS SUBJECTED PLAINTIFF TO HARM STEMMING FROM
FALSE ARREST, FALSE IMPRISONMENT, PERJURY, MALICIOUS PROSECUTION, AGGRAVATED
ASSAULT, ASSAULT AND BATTERY, INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS,
MENTAL ANGUISH, OUTRAGEOUS CONDUCT, INVASION OF PRIVACY, NEGLIGENCE,
GROSS NEGLIGENCE, NEGLIGENT HIRING, RETENTION AND SUPERVISION, AND
POLICE BRUTALITY.
3. SPECIFICALLY, PLAINTIFF WAS "PISTOL WHIPPED" [HIT IN THE MOUTH WITH A
LOADED GUN] THROUGH THE OPEN DRIVER'S SIDE WINDOW BY OFFICER A. TIDWELL
(K-9 OFFICER), ACTING AS AN AGENT OF POLICE CHIEF HALSTEAD AND THE
CITY OF Fort Worth, AND IN HIS OFFICIAL CAPACITY; WHEN AND THERE; UN-
NECESSARILY, EXCESSIVELY, WANTONLY, AND INTENTIONALLY USED FORCE IN
ASSAULTING PLAINTIFF; WHILE PLAINTIFF'S HANDS WERE REACHING OUT OF
WINDOW AND IN PLAIN SIGHT OF POLICE OFFICERS AT THE SCENE. BECAUSE OF THIS
ASSAULT, PLAINTIFF HAS SUFFERED CONSTANT PAIN IN HIS JAW AND NECK AS WELL A BROKEN

TOOTH.

4. BECAUSE OF PLAINTIFF BEING UNABLE TO OPEN DRIVER'S SIDE DOOR, HE WAS HAVING A DIFFICULT TIME YIELDING TO OFFICER TIDWELL'S COMMANDS OF "GET OUT OF THE VEHICLE!". THEREFORE, AFTER ALREADY BEING "PISTOL WHIPPED", APPARENTLY FOR NO REASON OTHER THAN TELLING OFFICER TIDWELL "THIS ISN'T MY TRUCK; I CAN'T OPEN THE DOOR"; AND AT THE SHATTERING OF THE FRONT PASSENGER WINDOW BY AN UNKNOWN OFFICER, UNDER A CLEARLY PANICKED AND OUT OF CONTROL OFFICER TIDWELL'S COMMANDS OF "BREAK OUT THE G.D. WINDOW!"; PLAINTIFF, WITH OFFICER TIDWELL'S QUIVERING GUN POINTED AT HIM, AND, FOR FEAR OF HIS LIFE, TOLD OFFICER TIDWELL "I AM COMING OUT OF THE WINDOW". PLAINTIFF NEVER HAD THAT OPPORTUNITY, AS, AT THAT POINT, OFFICER TIDWELL, ACTING IN HIS OFFICIAL CAPACITY AND AS AN AGENT OF POLICE CHIEF HALSTEAD AND THE CITY OF FORT WORTH, PUT THE "K-9" DOG INTO THE DRIVER'S SIDE WINDOW PULLING PLAINTIFF TO THE GROUND AWKWARDLY, APPARENTLY INJURING BOTH SHOULDERS, NECK, BACK, AND RIGHT ANKLE WHICH WAS FRACTURED. THROUGHOUT THIS ORDEAL THE OTHER OFFICERS AT THE SCENE LOOKED ON WITH DELIBERATE INDIFFERENCE TO THIS WANTON AND UNNECESSARY USE OF EXCESSIVE FORCE.

5. PLAINTIFF INCURRED APPROXIMATELY FORTY (40) PUNCTURE WOUNDS; AS WELL AS IT TAKING APPROXIMATELY THIRTY (30) SUTURES TO CLOSE THE OTHER WOUNDS INFILCTED BY POLICE CHIEF HALSTEAD'S "K-9" DOG. WHICH, WHILE UNDER THE CARE AND CONTROL OF ONE OFFICER A. TIDWELL DID, THEN AND THERE, ATTACK PLAINTIFF, AS HE/SHE [K-9 DOG] DID HEED ITS MASTERS REPEATED "BITE" COMMANDS. PLAINTIFF WAS PRONE AND DEFLESS, AS HE WAS FACE DOWN; "SPREAD EAGLE" AND IN FEAR FOR HIS LIFE, AS OFFICER A. TIDWELL, WHILE DISCHARGING; UNLAWFULLY; AN OFFICIAL DUTY, AND WHILE POINTING HIS LOADED GUN APPROXIMATELY ONE FOOT FROM PLAINTIFF'S HEAD, DID, THEN AND THERE, OFFER THE TERRIFYING THREAT OF: "F -- WITH MY DOG AND I WILL KILL YOU". PLAINEIFF SUFFERS FROM APPARENT, PERMANENT NERVE AND MUSCLE TISSUE DAMAGE, AS WELL AS EXTERNAL SCARRING FROM THIS MALECIOUS, SADISTIC, AND UNJUSTIFIED MAULING; CARRIED OUT FOR THE VERY PURPOSE OF CAUSING HARM. ALL WHILE, WITH THIS POLICE BRUTALITY HAPPENING; ALL THE OTHER OFFICERS

15

PRESENT AND NOTHING TO STOP OR PREVENT THE VERY VIOLATIONS WHICH THEY ARE DULY SWORN TO PROTECT. SOME, EVEN ENCOURAGING THIS UNNECESSARY, HARDCORE INHUMAN (K-9 DOG) PUNISHMENT; INCOMPATIBLE WITH, AND COMPLETELY LACKING, IN ANY RESPECT, TO CURRENT NOTIONS OF HUMAN DIGNITY. WITH ONE OFFICER'S [SEROUD] PREDICTION OF "I BET YOU'LL BE HAVING NIGHTMARES ABOUT THIS", COMING TRUE; AS PLAINTIFF IS NOW SUFFERING MENTAL ANGUISH AND EMOTIONAL DISTRESS, DUE TO "NIGHT TERRORS" BROUGHT ON BY THIS UNJUSTIFIED ACT OF POLICE BRUTALITY, INTENTIONALLY CARRIED OUT FOR THE SOLE PURPOSE TO CHASTISE AND CAUSE HARM.

6. UPON ARRIVAL OF THE MEDSTAR (AMBULANCE) EMERGENCY MEDICAL TECHNICIANS, PER OFFICER SEROUD, AN AGENT OF THE CITY OF FT. WORTH AND POLICE CHIEF HALSTEAD; AND AFTER DELIBERATIONS ON THIS ISSUE; DECIDED TO PLACE PLAINTIFF "FACE-DOWN" ON THE STRETCHER; AS OFFICER SEROUD TOLD EMERGENCY MEDICAL TECHNICIANS TO; "LEAVE THE HANDCUFFS ON BEHIND HIM AND THROW HIM FACE-DOWN ON THE STRETCHER"; THIS FURTHER AGGRAVATING INJURIES ALREADY INCURRED BY PLAINTIFF, OR CREATING NEW ONES. WHILE ACCOMPANYING PLAINTIFF TO THE HOSPITAL IN THE AMBULANCE, OFFICER SEROUD'S REACTION TO PLAINTIFF'S CRIES OF PAIN WAS: "QUIT CRYING, YOU SOUND LIKE A LITTLE GIRL". A PRIME EXAMPLE OF THE CITY OF FT. WORTH'S SILECemen's VIEWS TOWARD THE CIVIL RIGHTS OF ITS CITIZENS, THEIR HEALTH AND WELL BEING; AS WELL AS A REFLECTION OF THE LAISSEZ-FAIRE AND DELIBERATE INDIFFERENT ATTITUDE THE CITY, POLICE CHIEF HALSTEAD, AND HIS INTERNAL AFFAIRS DIVISION HAVE TOWARD INVESTIGATING AND DISCIPLINING ITS OFFICERS, AND THE LACK OF IMPLEMENTATION, INVESTIGATION, AND ENFORCEMENT OF ANY POLICIES IN RELATION TO CHARGES OF ITS OFFICERS EXCESSIVE USE OF FORCE, POLICE BRUTALITY, AND VIOLATING THE CIVIL RIGHTS OF THE CITIZENS THEY'RE SUPPOSED TO BE PROTECTING.

7. PLAINTIFF WAS ARRESTED AND CHARGED WITH AGGRAVATED ASSAULT ON A PUBLIC servant, IN AN EFFORT BY THE FORT WORTH POLICE AND OFFICER A. TIDWELL TO COVER UP FOR HIS UNLAWFUL ACTIONS. THIS, INTENTIONALLY AND KNOWINGLY, COMMITTING FALSE ARREST, PERJURY, AGGRAVATED PERJURY, MALICIOUS PROSECUTION, AND PERJURY

IN ADDITION TO THE AGGRAVATED ASSAULT WITH A DEADLY WEAPON, AND/OR ATTEMPTED MURDER CHARGES OF AFOREMENTIONED OFFICER A. TIGWELL, MENTIONED IN PARAGRAPHS 3, 3, 4, AND 5; ALL OF WHICH ARE UNLAWFUL ACTS AND SUBJECT TO BOTH COMMON LAW AND CIVIL RIGHTS VIOLATIONS OF PLAINTIFF.

8. PLAINTIFF CONTENDS THAT THE CITY DEFENDANTS ENGAGED IN A COURSE OF CONDUCT, BY NEGLIGENCELY FAILING; ON A CONTINUAL BASIS; TO INSTRUCT, SUPERVISE, CONTROL AND DISCIPLINE OFFICERS, WITH RESPECT TO THE USE OF EXCESSIVE FORCE UNREASONABLY DURING THE MAKING OF ARRESTS, AND THEIR DELIBERATE INDIFFERENCE TO THE SUPERVISION OF THE DEFENDANT POLICE OFFICERS PROBABLY RESULTED IN THE DEPRIVATION OF MY RIGHTS NOT TO BE PUNISHED OR TO HAVE EXCESSIVE USE OF FORCE USED AGAINST ME DURING MY ARREST OR DETENTION WITHOUT DUE PROCESS OF LAW IN VIOLATIONS RIGHTS UNDER THE 5TH AND 14TH AMENDMENTS AND PURSUANT TO TITLE 42 SECTION 1983 U.S. C.

9. PLAINTIFF ALLEGES THAT THE CITY OF FORT WORTH AND CHIEF HALSEEAD, AS A MATTER OF POLICY, FAILED ADEQUATELY TO DISCIPLINE, TRAIN, OR DIRECT POLICE OFFICERS AS TO THE RIGHTS OF CITIZENS. AND, BY DELIBERATELY FAILING FAILING TO SANCTION OR DISCIPLINE, OR DIRECT POLICE OFFICERS FOR VIOLATING THE CONSTITUTIONAL RIGHTS OF CITIZENS, AND SUBSEQUENTLY CONCEALING THOSE VIOLATIONS, THE POLICE WOULD ENCOURAGE POLICE OFFICERS TO ENGAGE IN UNLAWFUL CONDUCT.

10. PLAINTIFF ALLEGES THAT THE CITY'S RESPONSE TO MY COMPLAINTS WERE NOT ONLY UNINTERESTED AND SUPERFICIAL, BUT ALSO NON-EXISTENT FOR THE MOST PART. AND THAT THE NUMBER OF COMPLAINTS OF POLICE BRUTALITY AND EXCESSIVE USE OF FORCE RECENTLY HAD TO PUT THE CITY ON NOTICE THAT THERE WAS A POSSIBILITY THAT ITS POLICE OFFICERS WERE WONT TO USE EXCESSIVE FORCE. THE CITY'S KNOWLEDGE OF THESE ALLEGATIONS, AND THE NATURE AND EXTENT OF ITS EFFORTS TO INVESTIGATE AND RECORD THE CLAIMS ARE PERTINENT TO MY CONTENTION THAT THE CITY HAS A POLICY OF NON-SUPERVISION OF ITS POLICEMEN THAT REFLECTS A DELIBERATE INDIFFERENCE TO THEIR USE OF EXCESSIVE FORCE AND POLICE BRUTALITY. THE CITY'S EFFORTS TO EVALUATE MY

V

CLAIMS HAVE BEEN NONEXISTENT AND/OR SO SUPERFICIAL AS TO SUGGEST THAT IT'S [THE CITY] OFFICIAL ATTITUDE IS ONE OF INDIFFERENCE TO THE TRUTH OF MY CLAIMS. THIS ATTITUDE, IN AND OF ITSELF, BEspeaks AN INDIFFERENCE TO MY RIGHTS ASSERTED IN MY CLAIMS. IT'S OBVIOUS THE CHIEF OF POLICE AND/OR THE CITY DO NOT, OR HAS NOT, TAKEN SUFFICIENT STEPS IN THEIR SUPERVISORY CAPACITY IN HANDLING MY CLAIMS.

11. PLAINTIFF CONTENDS, THAT SURELY SECTIONS OF THE CITY CHARTER MAKE THE CITY'S PUBLIC SAFETY BOARD; OR A SIMILAR TYPE OF BOARD; RESPONSIBLE FOR THE SUPERVISION OF THE POLICE CHIEF AND/OR HIS OFFICERS, AND THAT THE CITY CHARTER OUTLINES THE PROCEDURES FOR THE CONSIDERATION OF CHARGES AGAINST POLICEMEN. THE VERY FAILURE OF THE CITY DEFENDANTS TO CONDUCT A NON-SUPERFICIAL INVESTIGATION INTO CIVILIAN CLAIMS OF EXCESSIVE USE OF FORCE AND/OR POLICE BRUTALITY INDICATE THAT THE CITY AND THE CHIEF SIMPLY DID NOT, AND DO NOT CARE WHAT A THOROUGH INVESTIGATION WOULD REVEAL, AND THAT THEY WERE INDEED INDIFFERENT TO WHETHER OR NOT EXCESSIVE FORCE WAS USED OR THAT POLICE BRUTALITY WAS INVOLVED, AND THAT I, AS WELL AS MANY OTHER CITIZENS BEFORE ME, WERE DEPRIVED OF OUR CONSTITUTIONAL RIGHTS.

12. THE FT. WORTH POLICE DEPARTMENT'S TACIT POLICIES OF USING EXCESSIVE FORCE WHILE ARRESTING SUSPECTS FOR CERTAIN CRIMES (i.e. EVADING ARREST) AND THAT BY MAINTAINING THESE CUSTOMS LEAD TO THE EXCESSIVE USE OF FORCE AND PREMEDITATED / AG ASSAULT / ATTEMPTED AGAINST ME ON THE NIGHT IN QUESTION.

13. THE FT. WORTH P.D.'S TACIT POLICIES COVERING UP CRIMES COMMITTED BY THEIR OWN, AND THAT BY MAINTAINING THESE CUSTOMS LEAD TO MY FALSE ARREST ON AGGRAVATED ASSAULT CHARGES IN WHICH MEMBERS OF THE F. W. P.D., NAMELY OFFICER A. TIOWELL, COMMITTED AGGRAVATED PERJURY, PERJURY IN AID OF MALICIOUS PROSECUTION, MALICIOUS PROSECUTION, FALSE ARREST, AND FRAUD.

COMPENSATORY DAMAGES FOR CONSCIOUS PAIN AND SUFFERING, DEPRIVATION OF CONSTITUTIONAL RIGHTS, FUTURE MEDICAL EXPENSES, AND LOST WAGES

POLICE CHIEF JEFF HALSTEAD = 5.00

THE CITY OF FORT WORTH, TEXAS = 7.50

OFFICER A. TIDWELL, F.W.P.D. = 5.00

OFFICER STROULD, F.W.P.D. = 3.50

OFFICER J. DAVIS, F.W.P.D. = 1.00

JOHN DOE(S), F.W.P.D. = > = 2.00

ANNE DOE(S), F.W.P.D. = >

OFFICERS SUPERVISORS, F.W.P.D. = 1.00

INTERNAL AFFAIRS DIVISION = 1.00

SUBTOTAL (A) = \$ 25.00 (X 1 MILLION)

PUNITIVE DAMAGES

POLICE CHIEF JEFF HALSTEAD = 50.00

THE CITY OF FORT WORTH, TEXAS = 75.00

OFFICER A. TIDWELL = 25.00

OFFICER STROULD = 15.00

OFFICER J. DAVIS = 5.00

JOHN DOE(S) = > = 5.00

ANNE DOE(S) = > = 5.00

OFFICERS SUPERVISORS = 5.00

INTERNAL AFFAIRS DIVISION = 20.00

SUBTOTAL (B) = \$ 200.00 (X 1 MILLION)

SUBTOTAL (A) = \$ 25.00

SUBTOTAL (B) = \$ 200.00

TOTAL = \$ 225.00 (X 1 MILLION)

ALL TOTALS AND DEFENDANTS SUBJECT TO CHANGE UPON DISCOVERY.

11

11

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MALONE, MICHAEL L.

DEFENDANTS SEE ATTACHMENT A.

(b) County of Residence of First Listed Plaintiff TARRANT
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant TARRANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Pro Se, 100 N. LAMAR ST. FT. WORTH, TX 76102

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Citizen of Another State	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	
			<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State
			<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury		<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input checked="" type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 950 Constitutionality of State Statutes
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
			<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 750 Other Labor Litigation	
			<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
			SOCIAL SECURITY	
			<input type="checkbox"/> 861 HIA (1395ff)	
			<input type="checkbox"/> 862 Black Lung (923)	
			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
			<input type="checkbox"/> 864 SSID Title XVI	
			<input type="checkbox"/> 865 RSI (405(g))	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 61983

Brief description of cause:

EXCESSIVE USE OF FORCE / POLICE BRUTALITY

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

225000,00

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Michael Malone

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

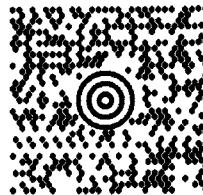
JUDGE

MAG. JUDGE

SHIP TO:

OFFICE OF THE CLERK
(
U.S. DISTRICT COURT
501 W 10TH ST ROOM 310
NORTHERN DISTRICT OF TEXAS
FORT WORTH TX 76102

4 - 09 CV - 634 V

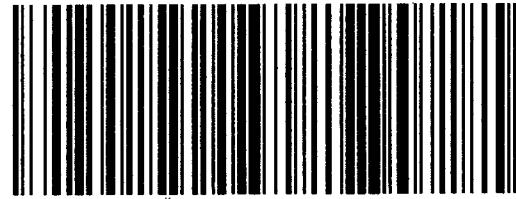


TX 761 9-70



UPS GROUND

TRACKING #: 1Z 94W 335 03 5060 8505



BILLING: P/P

ShipRite Version 10 1/8/2004

REF 1: 01113295



International Shipping Notice: Carriage Intender may be subject to the rules, relating to liability and other terms and/or conditions established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air (the " Warsaw Convention") and/or the Convention on the Contract for the International Carriage of Goods by Rail (the "CMR Convention"). These commodities, technology or software were exported from the U.S. in accordance with the Export Administration Regulations. Division contrary to U.S. law prohibited.